IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 13635 of 2005

Between:

Veeramaneni Chalapathi Rao, S/o. Seshagiri Rao,
Permanent R/o. H.No. 8-102,

Palakurthy V & M, Warangal District,
Presently R/io. at HIG No-100,

Balajinagar, Kukatpally, ' Hyderabad. **..... PETITIONER**

AND

1 The Executive Officer/Secretary of Gram Panchayat,

O/o. Palakurthy Grampanchayat,
Palakurthy Village and Mandal, Warangal District.
2 The Sarpanch, Palakurthy Grampanchayat,

Palakurthy Village and Mandal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or Order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in issuing a notice to the petitioner in Rc.No. /GPP/2005 dt. 10.01.2005 under the A.P. Gram Panchayats Act, 1964 directing him to remove any constructions that might have come on to the road to enable them to undertake expansion of the roads mentioned therein and trying to demolish existing constructions (compound wall in the case of the petitioner) without acquiring the said lands by initiating proceedings under the Land Acquisition Act

and without paying any compensation as contemplated under the Land Acquisition Act and as being arbitrary, illegal and violative of Articles 14, 19 21 and 300 (A) of the Constitution of India and pass such other order or orders.

Counsel for the Petitioner: MR. L.RAVI KUMAR

Counsel for the Respondents: MR.R.PREM SAGAR

The Court made the following :

ORDER:

Petitioner filed this Writ Petition aggrieved by the notice dated 10-01-2005 issued by the respondents, to remove any encroachments on the road mentioned in the said notice so as to enable them to undertake expansion of the roads, and the inaction of the respondents in trying to demolish the existing compound wall of the petitioner's house without acquiring the said land by initiating proceedings under the Land Acquisition Act, and without paying any compensation as contemplated under the Land Acquisition Act.

The petitioner's case in a nutshell is as follows:

Petitioner is the owner of house bearing No.8-102 built on land admeasuring an extent of 800 square yards of land duly bounded by a compound wall situated in Palakurthy Village of Warangal District. While so, the first respondent issued the impugned notice dated 10-01-2005 to the petitioner and several other persons to remove any unauthorized constructions, which encroached the roads in Palakurthy Village. Petitioner received the same on 17-05-2005, and submitted his reply on 21-05-2005. But the respondents, without considering the same, have informed that they would get the compound wall demolished and then widen the road as stated in the impugned notice. Pending consideration of the above said explanation, the petitioner apprehends demolition of the compound wall by the respondents. Therefore, he filed the present writ petition.

The learned Counsel for the petitioner submitted that under the garb of the impugned notice the respondents are trying to usurp the private lands, and are trying to evade payment of compensation of the land. As such, the action of the respondents is illegal and arbitrary.

Per contra, the learned Counsel for the respondents contended that the Gram Panchayat of Palakurthy Village, has unanimously resolved to affect the expansion of the roads by removing the encroachments on either sides of the roads mentioned in the impugned notice. The learned Counsel further contended that the said notice is in accordance with law, and the same is issued not only to the petitioner but also to all other residents of the village.

Heard learned Counsel on either side.

The explanation offered by the petitioner is still pending consideration before the respondents. As such it is not discernible to delve into the matter at this stage. In order to facilitate proper adjudication of the lis, I deem it appropriate to direct the respondents to consider the explanation of the petitioner, and dispose of the same on merits.

Therefore, the Writ Petition is disposed of. The respondents are directed to consider the explanation offered by the petitioner *vide* letter dated 21-05-2005, and pass appropriate orders thereon within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not demolish the compound wall of the petitioner's house bearing No.8-102, built on land admeasuring 800 sq.yards of land, situated in Palakurthy Village and Mandal, Warangal District. There shall be no order as to costs.

24-06-2005

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Copy to:

1 The Executive Officer/Secretary of Gram Panchayat,

O/o. Palakurthy Grampanchayat,
Palakurthy Village and Mandal, Warangal District.

2 The Sarpanch, Palakurthy Grampanchayat,

Palakurthy Village and Mandal, Warangal District.

3 Two CD copies.